

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN ASSEMBLY MAY 22, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2633

Introduced by Assembly Member Negrete McLeod

February 24, 2006

An act to add Sections 45266.5 and 88086.25 to the Education Code, relating to school district employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 2633, as amended, Negrete McLeod. Schools: district employees.

(1) Existing law requires school districts and community college districts adopting the merit system in existing law for classified employees to appoint a personnel commission. Existing law requires the personnel commission to appoint a personnel director of the commission who is responsible to the commission for carrying out all procedures in the administration of the classified personnel in accordance with the requirements of existing law and rules of the commission.

This bill would require the personnel commission, consistent with the commission rules applicable to all classified employees, to determine the compensation for, evaluate, and supervise the personnel director. The bill would require the personnel commission of those districts to make ~~an annual~~ a biennial performance evaluation of the personnel director, thus imposing a state-mandated local program. The bill would authorize the exclusive representatives of classified employees of the applicable school or community college district and

the district administration to participate in the—annual biennial performance evaluation of the director of the personnel commission by completing an evaluation or comment form distributed by the commission. The bill would require the personnel commission to review the submitted evaluation and comment forms, if any, and would require the commission to consider them as part of the overall evaluation process. The bill would require the personnel commission to be responsible for completing the final evaluation.

The bill would grant the personnel commission the authority to impose discipline upon the personnel director if cause has been established in accordance with commission rules applicable to all classified employees. The bill, in order to ensure due process for the personnel director, would grant the personnel director the option of requesting a hearing from an impartial hearing officer regarding disciplinary action imposed on the personnel director. The bill would require the method for selecting the hearing officer to be designated in commission rules and would bind the commission by the findings of the hearing officer. The bill would require actions taken by the personnel commission relating to the employment of the personnel director, as specified, be ratified by the governing board of the applicable school district or community college district, and would make these actions, when ratified, final and binding on the commission.

To the extent that this bill would impose additional duties on local officials, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 45266.5 is added to the Education
- 2 Code, to read:

1 45266.5. (a) *The personnel commission, consistent with the*
2 *commission rules applicable to all classified employees, shall*
3 *determine compensation for, evaluate, and supervise the*
4 *personnel director appointed pursuant to Section 45264 or*
5 *contracted for pursuant to Section 45265.*

6 ~~(a)~~

7 (b) (1) *The personnel commission shall perform an annual a*
8 *biennial written performance evaluation of the commission's*
9 *personnel director.*

10 ~~(b) The~~

11 (2) *The school district administration and the exclusive*
12 *representatives of classified employees of the district may*
13 *participate in the annual biennial performance evaluation of the*
14 *director of the personnel commission by completing an*
15 *evaluation or comment form distributed by the commission. The*
16 *personnel commission shall review the submitted evaluation and*
17 *comment forms, if any, and shall consider them as part of the*
18 *overall evaluation process. The personnel commission shall be*
19 *responsible for completing the final evaluation.*

20 (c) (1) *The personnel commission shall have the authority to*
21 *impose discipline, including dismissal, upon the personnel*
22 *director if cause has been established in accordance with*
23 *commission rules applicable to all classified employees.*
24 *However, the commission shall not take a disciplinary action*
25 *pursuant to this paragraph that is inconsistent with any collective*
26 *bargaining agreement or contract that is in effect as of January*
27 *1, 2007, and under which the personnel director works.*

28 (2) *The personnel director, as a member of the classified*
29 *service, shall have all the rights, benefits, and burdens of a*
30 *classified employee.*

31 (3) *In order to ensure due process for the personnel director,*
32 *the personnel director shall have the option of requesting a*
33 *hearing from an impartial hearing officer regarding disciplinary*
34 *action imposed on the personnel director. The method for*
35 *selecting the hearing officer shall be designated in commission*
36 *rules and the findings of the hearing officer shall be binding*
37 *upon the commission.*

38 (d) *Actions taken by the personnel commission relating to the*
39 *employment of the personnel director pursuant to this section*
40 *shall be ratified by the governing board of the applicable school*

1 *district. When ratified, these actions shall be final and binding on*
2 *the commission.*

3 SEC. 2. Section 88086.25 is added to the Education Code, to
4 read:

5 88086.25. (a) *The personnel commission, consistent with the*
6 *commission rules applicable to all classified employees, shall*
7 *determine compensation for, evaluate, and supervise the*
8 *personnel director appointed pursuant to Section 88084 or*
9 *contracted for pursuant to Section 88085.*

10 ~~(a)~~

11 (b) (1) *The personnel commission shall perform an annual a*
12 *biennial written performance evaluation of the commission's*
13 *personnel director.*

14 ~~(b) The~~

15 (2) *The community college district administration and the*
16 *exclusive representatives of classified employees of the district*
17 *may participate in the annual biennial performance evaluation of*
18 *the director of the personnel commission by completing an*
19 *evaluation or comment form distributed by the commission. The*
20 *personnel commission shall review the submitted evaluation and*
21 *comment forms, if any, and shall consider them as part of the*
22 *overall evaluation process. The personnel commission shall be*
23 *responsible for completing the final evaluation.*

24 (c) (1) *The personnel commission shall have the authority to*
25 *impose discipline, including dismissal, upon the personnel*
26 *director if cause has been established in accordance with*
27 *commission rules applicable to all classified employees.*
28 *However, the commission shall not take a disciplinary action*
29 *pursuant to this paragraph that is inconsistent with any collective*
30 *bargaining agreement or contract that is in effect as of January*
31 *1, 2007, and under which the personnel director works.*

32 (2) *The personnel director, as a member of the classified*
33 *service, shall have all the rights, benefits, and burdens of a*
34 *classified employee.*

35 (3) *In order to ensure due process for the personnel director,*
36 *the personnel director shall have the option of requesting a*
37 *hearing from an impartial hearing officer regarding disciplinary*
38 *action imposed on the personnel director. The method for*
39 *selecting the hearing officer shall be designated in commission*

1 *rules and the findings of the hearing officer shall be binding*
2 *upon the commission.*

3 *(d) Actions taken by the personnel commission relating to the*
4 *employment of the personnel director pursuant to this section*
5 *shall be ratified by the governing board of the applicable*
6 *community college district. When ratified, these actions shall be*
7 *final and binding on the commission.*

8 ~~SEC. 2.~~

9 SEC. 3. If the Commission on State Mandates determines that
10 this act contains costs mandated by the state, reimbursement to
11 local agencies and school districts for those costs shall be made
12 pursuant to Part 7 (commencing with Section 17500) of Division
13 4 of Title 2 of the Government Code.